

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
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-v- : 19-CR-374 (JMF)
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MICHAEL AVENATTI, : SCHEDULING ORDER
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Defendant. :
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JESSE M. FURMAN, United States District Judge:

This Order memorializes and expands upon matters discussed at the pretrial conference held on the record yesterday.

1. Trial Date and Venue

Trial in this case is scheduled to begin on **April 21, 2020**, at **9:30 a.m.** The trial, including jury selection (except as noted below), will be held in **Courtroom 110** of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York 10007.

2. Final Pretrial Conferences

Unless and until the Court orders otherwise, the parties shall appear for a final pretrial conference on **April 7, 2020**, at **10:00 a.m.** in **Courtroom 1105** of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York 10007; and an additional final pretrial conference on **April 20, 2020**, at **10:00 a.m.** in **Courtroom 110** of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York 10007. **The final pretrial conferences must be attended by the attorney who will serve as principal trial counsel.**

3. Juror Questionnaire

The Court will use a questionnaire in connection with jury selection. The parties shall confer in an effort to reach agreement on a proposed questionnaire, with questions regarding (1) prospective jurors' backgrounds; (2) hardship; and (3) knowledge and opinions of the case and the people involved in the case. (The parties may wish to look for guidance at the questionnaire in the *General Motors LLC Ignition Switch Multidistrict Litigation*, Docket No. 14-MD-2543, at ECF No. 4116.) No later than **March 13, 2020**, the parties shall submit an agreed-upon proposed questionnaire (on ECF and, simultaneously, by e-mail to Furman_NYSDChambers@nysd.uscourts.gov in Microsoft Word format) or, in the event of any disagreements, competing proposed questionnaires and a redline showing the differences between the two proposals. By the **same date**, the parties shall each submit a letter-brief

addressing whether, when (e.g., immediately, after a jury is impaneled, or at the conclusion of trial), and to what extent the juror questionnaires should be made available to the public and the press. The letter-briefs should also address the procedures to be used in connection with oral *voir dire*, including but not limited to Defendant's presence at, and press access to, any inquiry of jurors outside the presence of the jury pool generally.

4. Jury Selection

Unless and until the Court orders otherwise, the Court will follow these procedures in connection with selecting the jury:

- A pool of approximately 150 prospective jurors will complete the questionnaire on the morning of **Wednesday, April 15, 2020**, under the supervision of the Jury Department.
- The Government will be responsible for (a) making copies of the final version of the questionnaire adopted by the Court for the Jury Department and (b) making copies of the completed questionnaires immediately available in electronic format to the defense and the Court. The Government shall make arrangements directly with the Jury Department to obtain the completed questionnaires.
- No later than **Friday, April 17, 2020, at 10:00 a.m.**, the Government shall file a letter with a list of jurors (identified by juror number, not name) that both sides agree should be excused for cause. Prospective jurors on the parties' joint list will be excused without any review or inquiry by the Court.
- No later than the same date and time (**Friday, April 17, 2020, at 10:00 a.m.**) the parties shall also file lists of the jurors (identified by juror number, not name) that only one side believes should be excused for cause, along with a short explanation of why the party believes each juror should be excused. The Court will review the parties' lists and decide whether to excuse any jurors on that basis.
- The Court will then conduct oral *voir dire* of the remaining prospective jurors — in a randomized order (i.e., not according to juror numbers) — beginning at **9:30 a.m.** on **Tuesday, April 21, 2020**.

5. Other Pretrial Submissions

Any proposed *voir dire*, proposed jury instructions, and proposed verdict forms, as well as any motions *in limine* or trial memoranda, shall be filed by **noon on March 25, 2020**. Any opposition to a motion *in limine* or trial memorandum shall be filed by **noon on April 1, 2020**.

In accordance with the Court's Individual Rules and Practices for Criminal Cases, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>, a filing party must submit one courtesy hard copy of each these documents to the Court at the time of filing. In addition, the proposed *voir dire*, proposed jury instructions, and proposed verdict forms must be e-mailed, in Microsoft Word format, to Furman_NYSDChambers@nysd.uscourts.gov.

The parties shall also confer and, no later than **March 10, 2020**, file an agreed-upon proposed schedule addressing any remaining disclosures or discovery issues. If the parties cannot agree on a schedule, the parties shall submit a joint letter by **the same date** describing the disputed issues and the parties' proposals.

6. Familiarity with the Court's Individual Rules and Practices

The parties must familiarize themselves with the Court's Individual Rules and Practices for Criminal Cases and Individual Rules and Practices for Trials, both of which are available at <https://nysd.uscourts.gov/hon-jesse-m-furman>. Among other things, it is the parties' obligation to ensure that whatever technological needs they have — for the use of computers or other devices, presentation of evidence, or otherwise — are addressed in advance of trial. The parties shall contact Chambers and/or the District Executive's Office sufficiently in advance of the trial date to raise any questions, address any technological needs, and arrange for testing of any technology.

7. Defense Counsel

Finally, as noted on the record at the pretrial conference held on February 25, 2020, H. Dean Steward's motion to withdraw at ECF No. 39 is GRANTED. Defense counsel Mariel Miro shall promptly refile the Notice of Appearance currently noted as deficient at ECF No. 37.

The Clerk of Court is directed to terminate ECF No. 39 and to terminate H. Dean Steward as defense counsel.

SO ORDERED.

Dated: February 26, 2020
New York, New York



JESSE M. FURMAN
United States District Judge